

Message Text

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PAGE 01 STATE 068246
ORIGIN INT-05

INFO OCT-01 EA-12 IO-14 L-03 ISO-00 /035 R

DRAFTED BY INT/UNDER SEC. JOSEPH
APPROVED BY INT/UNDER SEC. JOSEPH:RVC:ICT
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FM SECSTATE WASHDC
TO GOV AMSAMOA PRIORITY

UNCLAS STATE 068246

E.O. 11652: N/A

TAGS: OGEN AQ

SUBJECT: BILL RE SAMOAN JUDGES

DOTA NO.047-AS

1. TO GOV. COLEMAN, AM SAMOA. IN RESPONSE TO ACTING GOV. TUFEL'S TELEX NO. 248613, I INTERPOSE NO OBJECTION TO YOUR APPROVING APPELLATE BILL SUBJECT TO FOLLOWING UNDERSTANDINGS: FIRST, WE SHARE THE CONCERN OF CHIEF JUSTICE AS TO WHETHER BILL IS OBJECTIONABLE ON DUE PROCESS AND 6TH AMENDMENT GROUNDS, BUT DO NOT BELIEVE THE RISK OF A SUCCESSFUL CONSTITUTIONAL CHALLENGE TO BE GREAT ENOUGH TO WARRANT DISAPPROVAL ON THAT GROUND. SECONDLY, ENACTMENT OF LEGISLATION WOULD REQUIRE FURTHER FUNDING, AS OUTLINED IN CHIEF JUSTICE'S LETTER TO YOU OF MARCH 3, FOR TRANSLATIONS AND OTHER PROCEDURES NECESSARY TO PERMIT SAMOAN JUDGES TO PARTICIPATE IN A MEANINGFUL WAY. THIRDLY, WE ALSO AGREE THAT SAMOAN JUDGES SHOULD BE PROVIDED LEGAL TRAINING TO WHATEVER EXTENT APPROPRIATE IN THEIR INDIVIDUAL CIRCUMSTANCES. WE DO NOT BELIEVE PROSPECT OF SUCH TRAINING WOULD AFFECT CONSTITUTIONAL QUESTION, HOWEVER, AND THEREFORE WOULD NOT UNCLASSIFIED

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REGARD SUCH TRAINING AS CONTROLLING YOUR ACTION ON THE BILL.

ACCORDINGLY, WE WOULD ENCOURAGE TRAINING PROGRAM WHETHER YOU APPROVE APPELLATE BILL OR NOT AND DO NOT BELIEVE EXISTENCE OF TRAINING PROGRAM WOULD AFFECT OUTCOME OF ANY CONSTITUTIONAL CHALLENGE. JAMES JOSEPH, UNDER SECRETARY OF THE INTERIOR SENDS. VANCE

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